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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LORI LUCKER, an individual,) Case No. CV 08-04732 DDP (SSx)
Plaintiff,) **ORDER DISMISSING COMPLAINT**
v.) **WITHOUT PREJUDICE**
ESKANOS & ADLER, P.C., a) [Motion to Dismiss filed on
California professional) October 27, 2008]
corporation,)
Defendants.)

This matter comes before the Court on Defendant Eskanos & Adler's Motion to Dismiss. Because this Motion is unopposed, the Court dismisses Lucker's Complaint without prejudice.

Plaintiff Lori Lucker ("Lucker") filed this suit against Eskanos & Adler ("E & A" or "Defendant") on July 18, 2008. Her Complaint alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") and the California Fair Debt Collection Practices Act, Cal. Civ. Code § 1788 *et seq.* On October 27, 2008, E & A filed this Motion to Dismiss for failure to state a claim on which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). In its Motion, E & A argues that

1 Lucker's claims are barred by the FDCPA's one-year statute of
2 limitations because Lucker alleges that calls began on or about
3 January 8, 2007, and continued for several months thereafter.
4 Additionally, E & A argues that, if the Court dismisses the FDCPA
5 claims, it should also decline to exercise supplemental
6 jurisdiction over the California claims.

7 The Local Rules for this District require that an opposing
8 party file a written brief in opposition to the motion or a written
9 statement of non-opposition at least fourteen days before the date
10 designated for the hearing. See C.D. Cal. L.R. 7-9. That deadline
11 was November 10, 2008. As of the date of this Order, Lucker has not
12 made a responsive filing.

13 Without reaching the merits of Defendant's argument, the Court
14 dismisses Plaintiff's Complaint without prejudice.

15 IT IS SO ORDERED.

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18 Dated: November 19, 2008



DEAN D. PREGERSON
United States District Judge